

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARTA BARBEOSCH VARELA, Individually  
and as Executrix of the Estate of William P.  
Barbeosch, deceased

Plaintiff,

-against-

BARNUM FINANCIAL GROUP, et. al.,  
Defendant.

-----X

13 CV 3332 (JGK)

**NOTICE OF MOTION**

**DOCUMENT**  
**ELECTRONICALLY FILED**

November 11, 2014

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law and all pleadings and other documents previously filed with this Court, Defendant Metropolitan Life Insurance Company d/b/a Barnum Financial Group s/h/a Barnum Financial Group, by its attorneys, Sedgwick LLP, will move this Court at a time and date designated by the Court, before the Hon. Andrew L. Carter, Jr., U.S.D.J., at the United States Courthouse, Southern District of New York, located at 40 Foley Square, Room 435, New York, NY 10007, for an Order pursuant to FED. R. CIV. P. 12(b)(6) dismissing plaintiff's Second Amended Complaint in its entirety, with prejudice, on the grounds that it fails to state a cause of action for which relief can be granted and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
November 11, 2014

Respectfully Submitted,

s/\_\_\_\_\_

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*Attorneys for Defendant Metropolitan Life Insurance Company d/ b/ a  
Barnum Financial Group*

**CERTIFICATE OF SERVICE**

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **Notice of Motion** was served via Regular Mail on this 11<sup>th</sup> day of November, 2014, upon the following:

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s/

\_\_\_\_\_  
Matthew P. Mazzola (MM-7427)

Dated: New York, New York  
November 11, 2014